

REMARKS

Upon entry of the present amendment, the claims in the application are claims 1-17, of which claims 1 and 8 are independent.

Independent claims 1 and 8 are amended to further define that the fuel pipe is supported on a vehicle body in an electrically independent manner, and that the conductive clamp electrically couples the fuel pipe and the other pipe to each other. Additionally, claim 11 is amended to further define that the conductive clamp is a unitary member formed of an electrically conductive resin, claims 2, 3 and 5 are amended to be consistent with claim 1, and new claims 13-17 are added to define further aspects of the invention. The specification is amended to provide an express antecedent basis for the amended language of claims 1 and 8.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure, including the drawings. Applicant further respectfully submits that no new matter is introduced by the above amendments.

Art Based Rejections Under 35 USC §§102, 103

The Examiner has rejected claims 1-3 and 5-12 under 35 U.S.C.102(e) as being anticipated by Nakanishi (US Patent 6,450,459) as set forth in item 4 of the Office Action, while in item 6 of the Office Action, the Examiner rejects claim 4 under 35 U.S.C.103(a) as being unpatentable over Nakanishi in view of case law from 1955, In re Aller, 105 USPQ 233 (CCPA 1955). It is the Examiner's position that Nakanishi's pipe fastener expressly includes most aspects of the claimed invention except the complete disposition of the fuel line and brake line and use of carbon black to make the resin electrically conductive, whereas the claimed disposition of the fuel and brake pipes is conventional (inherent in Nakanishi's system), and use of carbon black would have been obvious because it is not disclosed by applicant as achieving anything significant over the conductive resin generally disclosed by Nakanishi.

Applicant's Response

Upon careful consideration and in light of the above amendments, applicant respectfully submits that the rejections of claims 1-12 are overcome and that each of present claims 1-12 is clearly patentably distinct over the Nakanishi reference, because Nakanishi's pipe fastener does not include a "*conductive clamp*" as defined in independent claims 1 and 8. Instead, Nakanishi's fastener includes a *non-conductive* clamp or holder 2 formed of rigid plastic

and a *separate* electrical connection member 3 which is connected to the holder 2 via engagement legs 25 and mating engagement holes 35.

Further, neither the holder 2 or the electrical connection member 3 electrically connects a fuel pipe to another pipe as now defined in claims 1 and 8. Rather, Nakanishi's electrical connection member 3 electrically connects a fuel pipe 21 to a vehicle body panel 5 via a metal stud 6 which extends through the electrical connection member 3. Particularly, the connection member 3 contacts the fuel pipe 21 retained by the holder 2 and also contacts the stud, which in turn contacts the body panel 5, thereby establishing electrical contact between fuel pipe 21, stud 6 and a vehicle body panel 5.

Applicant respectfully submits that the above distinctions are quite significant. The pipe fastener assembly of Nakanishi including the non-conductive rigid plastic pipe holder 2, the electrical connection member 3 formed of electrically conductive material and the stud 6 as separate and independent members is unduly complex and expensive to manufacture, similar to the disadvantageous background art discussed in the present specification. The claimed antistatic structure including the conductive clamp 20 is vastly simpler (and hence less expensive) to manufacture and install.

Additionally, applicant respectfully submits that Nakanishi's pipe fastener does not include or make obvious several features of the dependent, including claims 3 and 10 defining the other pipe as a brake pipe and its electrical connection to the vehicle body through a brake hose support bracket, the feature of claim 4 defining that the conductive clamp is constituted of synthetic resin containing carbon black (again, noting that Nakanishi's electrical connection member 3 is not a clamp), the features of claim 7 defining the clamp as both flexible and electrically conductive; the features of claim 11 that the conductive clamp is a unitary member formed of electrically conductive resin, etc.

Based on the foregoing, applicant respectfully submits that the rejections of claims 1-12 based on the Nakanishi reference are overcome, and accordingly it is respectfully requested that such rejections be reconsidered and withdrawn.

Other References Cited in the Office Action

The additional references cited by the Examiner at item 7 of the Office Action (Saitome et al., Saito, Schliessner, Marion, Kujawski, Gordon, Kraus, Calabrese et al., Battie et al. Cau et al., Denndou, Oi et al, Maruyama and Kanie et al. have been considered by applicant, but it is respectfully submitted that these additional references fail to overcome the deficiencies of the Nakanishi reference as discussed above relative to the claimed invention.

New Claims

New claims 13-17 are believed to be allowable over the references of record based on the foregoing arguments regarding the merits of claims 1 and 8, as well as on the merits of the additional features set forth in these claims.

Conclusion

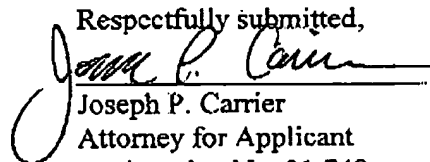
In conclusion, applicant has overcome the Examiner's rejections as presented in the Office Action; and moreover, applicant has considered all of the references of record, and it is respectfully submitted that the invention as defined by each of the present claims is clearly patentably distinct thereover.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable reconsideration is respectfully requested.

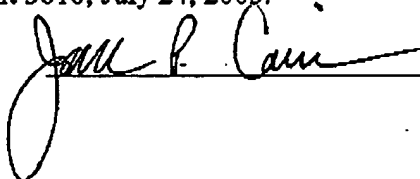
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to the US Patent & Trademark Office, Art Unit 3618, July 24, 2003.

Dated: July 24, 2003
JPC/ms

A handwritten signature in cursive script, appearing to read "James P. Cain", is written over a horizontal line.